

## TRUST SUIT FOR THE NEW HAVEN

Criminal Clause of Sherman  
Law May Be Invoked  
by McReynolds.

TO FILE BILL SOON

Monopoly Charge Based on  
Merger With Boston  
and Maine.

COMMITTEE WITH ELLIOTT

Stockholders Vote Confidence in  
New President and Big  
Bond Issue.

Attorney-General McReynolds is preparing to bring suit against the New Haven and Hartford road under the Sherman anti-trust law. A thorough investigation has been made by Special Assistant Gregory, who has prepared the bill of complaint.

The Attorney-General is considering the advisability of invoking the criminal clause of the Sherman law.

The suit may be filed next week, the Attorney-General having urged his assistant to rush the preparation of the bill.

Howard Elliott, the new president of the New Haven, went to Boston yesterday to urge the Public Service Commission to-day to authorize the railroad's \$67,500,000 bond issue.

He attended a meeting of the stockholders' protective committee, at which a vote of confidence in his programme and endorsement of the bond issue was put through. He also saw Gov. Foss.

Coroner Mix at New Haven continued his star chamber inquest on the Wallingford wreck.

Richard Higgins, chairman of the Connecticut Public Utilities Commission, announced at Hartford that his commission's report on the wreck would be ready in two weeks. He said it would agree in all essentials with the report to be made by the Interstate Commerce Commission.

**BILL AGAINST NEW HAVEN READY**

Anti-Trust Law Suit May Be Filed  
Next Week.

WASHINGTON, Sept. 8.—Thomas M. Gregory, special assistant to the Attorney-General, is preparing a bill for a suit under the Sherman anti-trust law against the New York, New Haven and Hartford Railroad.

It has been suspected for some time that the Wilson Administration would begin a suit for the divorcing of the New Haven from the Boston and Maine, but the information obtained to-day is the first substantial indication along this line.

The Federal Government's action against the New Haven may not end with civil proceedings. Resort may be had to the criminal provisions of the anti-trust law. It was said on high authority that Attorney-General McReynolds and Mr. Gregory are considering the advisability of criminal proceedings against officials of the road.

For the last ten days Mr. Gregory has been hard at work upon the complaint in the New Haven suit and more than once in that time he has been called upon by the Attorney-General to use all possible dispatch. The Attorney-General has desired to have the papers ready for possible filing by the middle of this month. According to THE SUN's information there is a possibility that the preparations may be concluded this week.

**Gregory Made Investigation.**

Special Assistant Gregory was chosen by Attorney-General McReynolds in May to make a detailed investigation into the affairs of the New Haven road with a view to determining whether or not there had been violations of the Sherman law. At that time the investigation by the Interstate Commerce Commission was in progress and public interest had been directed to the road new because of the recent accidents.

Mr. Gregory is a lawyer of Austin, Tex. He came to Washington in May for a series of conferences with Mr. McReynolds and then proceeded to New York. Later he went to Boston.

The special assistant went carefully over the data which it was possible for him to gather in New York and Boston, giving his attention to all phases of the charges of Sherman law violations which had been bandied back and forth by enemies of the New Haven in the past few years. He investigated the connection of the carrier with trolley lines and steamship companies and sought information also on their non-railroad property holdings.

Commerce Body's Report Considered.

Mr. Gregory gave much attention to the report of the Interstate Commerce Commission which was made public on July 2 last. Running through this report there was the clear intimation of the Federal investigators that the merger with the Boston and Maine Railroad might be held unlawful under the Sherman act. The commission's report was concerned in the main with the financial management of the New Haven road, which it attacked, and it professed to consider alleged violations of the anti-trust law as beyond its jurisdiction.

Continued on Second Page.

## PRESIDENT ELLIOTT SILENT.

Refuses to Discuss Impending Action Against New Haven.

Boston, Sept. 8.—President Elliott said to-night that he did not care to make any comment upon the reported intention of Attorney-General McReynolds to move against the New Haven railroad for alleged violation of the anti-trust act.

Mr. Elliott said that as he only recently became head of the New Haven he was not in a position to discuss anything which might be construed by the Attorney-General as having been done in violation of the Sherman act.

**MORGAN WILL HEARING SOON.**

Date J. P. Morgan Asked Is Same as That of New Haven Meeting.

HARTFORD, Conn., Sept. 8.—Friday, September 19, which incidentally happens to be the date of the next meeting of the New Haven railroad directors, has been assigned by Probate Judge L. P. Walcott on application of J. P. Morgan as the time for an ancillary hearing on the will of the late J. P. Morgan.

Attorney Charles A. Goodwin of this city, a cousin of Mr. Morgan, will handle the Hartford end of the probating and the administration of the will to the records of the Hartford Probate Court. It probably will be a perfunctory formality rather than anything else. But the hearing on the certification of the appointment of John P. Morgan, Jr., of Glen Cove, L. I., William Morgan Hamilton, Herbert Livingston Satterlee and Lewis Cass Ledyard, all of New York, must be held under the statutes of Connecticut.

## NEW HAVEN TRAIN KILLS

A. T. MILLAR AND WIFE

Daughter and Girl Friend Also

Probably Hurt Fatally in

Auto Accident.

SOUTH NORWALK, Conn., Sept. 8.—A New York express on the Danbury division of the New Haven road struck an automobile driven by Addison T. Millar of Silvermine, a suburb of this place, and wrecked the machine, instantly killing Mr. and Mrs. Millar and seriously injuring their daughter, Miss Dorothy Millar, and a friend, Miss Jessie Guthrie, this afternoon. The two girls have fractured skulls and may die.

Mr. Millar was an artist. He was born in Warren, Ohio, forty-five years ago. He studied in Western art schools and later under William M. Chase. He had a studio in Silvermine for the last eight years. At a recent exhibition one of Mr. Millar's paintings was sold to C. A. Johnson of New York for \$1,000.

Miss Millar, who is 15 years old, is the daughter of Mr. and Mrs. Addison T. Millar, who live at 124 West Street, where the accident occurred.

The crossing has a long toll of deaths from similar accidents, the most recent being in June, when Ernest Hedman was struck by the same train and instantly killed. The Public Utilities Commission of the State was appealed to after Hedman's death, but refused to order the crossing guarded by gates. A flagman was on duty at the time of the accident this afternoon.

Mr. Millar was a well known etcher and a painter of Algerian scenes. He lived for many years at 124 West Street, where the accident occurred, and was a member of the Salubrious Club, where a bulletin announcing his death was posted last night.

Some of Mr. Millar's etchings are among the collections in the New York Public Library and the Congressional Library at Washington.

## HOBSON WANTS U. S. PAPER.

Would Make Uncle Sam Editor of "The Official Journal."

WASHINGTON, Sept. 8.—Representative Richmond Hobson of Alabama is planning the most stupendous journal ever conceived by mortal man. He has chosen Uncle Sam for editor-in-chief and the new publication will be known as the "Official Journal."

Looking to the establishment of the departure in journalism Mr. Hobson introduced today a bill creating the "Official Journal," which is to be a weekly publication for free distribution. All the executive departments of the Federal Government will be its contributors. Its circulation will be provided for through the medium of the Post Office Department. Every Senator will be permitted to distribute through the Post Office the distribution of 25,000 copies of the "Official Journal" weekly. Every member of the House will have 15,000 copies at his disposal each week. The new sheet will start out with a circulation of 8,995,000 copies, according to this scheme.

The Hobson bill provides an appropriation of \$75,000,000 for additions to the equipment of the Public Printer's office and \$275,000 to carry on the further prosecution of the bill. With the sudden dropping off by the House in the urgent deficiency bill of all appropriations for the support of the various press agencies of the executive departments Mr. Hobson thinks that a reportorial staff for the new paper will be obtained readily.

## UPPER BERTH FOR MISS WILSON.

Men on Night Train Wouldn't Yield Lower to President's Daughter.

Miss Eleanor Wilson, daughter of President Wilson, who spent the week end with her cousin, Mrs. George Howe, at 132 East Nineteenth street, was obliged to make her return trip to Cornish, N. H., late on Sunday night in an upper berth of a Pullman sleeper.

Mr. Howe in seeking a reservation for Miss Wilson on the 11:10 o'clock train on Sunday found that all the lower berths had been taken. The Pullman agent told him that in case anybody returned a lower berth reservation it would be held for Miss Wilson. None was cancelled, however, and when the President's daughter boarded the train she found that the tickets for all the lower berths were in the possession of men.

According to Mrs. Howe, her brother and cousin, Smythe Flinn and Marvin Nelson, went through the train without any inking of their mission reaching Miss Wilson and asked a number of the men if they wouldn't exchange berths with her.

Not a man would consent to give up his lower berth.

Continued on Second Page.

## NEW MOVE MAY SAVE SULZER

Justice / Rudd in Albany  
Grants a Writ of  
Prohibition.

ARGUMENT THIS WEEK

Restraints Appeals Judges  
and Senators From Im-  
peachment Trial.

FIND NEW POINT IN LAW

Taxpayer's Suit Said to Be Most  
Important for the  
Governor.

TRAY, N. Y., Sept. 8.—Supreme Court Justice Rudd of Albany issued a writ of prohibition to-day, which if it is sustained will prevent the impeachment trial of Gov. Sulzer. The writ is returnable at special term of the court in Albany on Saturday.

The writ was granted on the petition of Samuel Fowler, a taxpayer of Rensselaer and a member of the Progressive party. Mr. Fowler objects to the expense which the proposed trial will necessitate and raises the question of the legality of the impeachment proceedings.

The petitioner was represented by James Farrell and Frederick T. Draper, Jr., both Progressives and lawyers of this city.

In the petition presented to Justice Rudd it was set forth that the action of the Assembly in impeaching the Governor was unconstitutional and that if the trial were proceeded with it would require an illegal expenditure of the public money.

The writ granted by Justice Rudd will be served upon members of the Court of Appeals and the Senate.

**WRIT MAY BE SUSTAINED.**

Hasbrouck Postpones Decision on  
Robin Pardon.

KINGSTON, N. Y., Sept. 8.—Justice Hasbrouck of the Supreme Court here may sustain Gov. Sulzer's pardon of Joseph G. Robin. This was the general opinion entertained at the close of the hearing on the convicted banker's writ of habeas corpus this afternoon.

Justice Hasbrouck announced that he would hand down his decision later. The question which the court must answer in determining whether the writ shall be upheld or dismissed is: Was William Sulzer on August 30, when he pardoned Robin, entitled to exercise the powers and fulfill the duties of the Governorship, or were those functions invested at the time in Lieut.-Gov. Glynn by reason of the impeachment articles having been filed prior to that day?

The impression prevails among lawyers who attended the session to-day that in addition to deciding that point Justice Hasbrouck will express himself on the validity of the Assembly's action.

At the very outset of the hearing Justice Hasbrouck raised the gubernatorial issue by stating that the validity of the pardon was the sole point before him for adjudication.

"Attached to the application for the writ of habeas corpus," he said, "was a copy of a pardon signed by one William Sulzer and bearing the seal of the State of New York. Taking that into consideration I issued the writ."

Warden Hayes of the penitentiary on Blackwell's Island refused to honor the pardon. Counsel for Robin sought the habeas corpus writ on the ground that Robin was being illegally detained in the penitentiary. Corporation Counsel Warden Hayes of the penitentiary on Blackwell's Island refused to honor the pardon.

State Argues Against Sulzer.

Both Corporation Counsel Watson and Deputy Attorney-General Norton insisted that the Assembly had been within its legal rights when the articles of impeachment were voted and that consequently Gov. Sulzer had no power to grant a pardon to Robin. Former Congressman William S. Bennett supported Gen. Tracy, while Assistant District Attorney John K. Clark of District Attorney Whitman's staff defined the New York county prosecutor's neutral, although coinciding, view, with that of the Attorney-General and the Corporation Counsel.

Lynn J. Arnold, publisher of the Albany Knickerbocker Press, demanded to be heard as a representative of his paper, but Justice Hasbrouck declined to hear him in that capacity.

When the hearing came to an end Justice Hasbrouck announced that any briefs which either side might desire to submit to him would have to be handed in before Thursday. Robin was then remanded to the penitentiary despite the efforts of Mr. Bennett to have him admitted to bail.

**Gen. Tracy's Argument.**

Gen. Tracy in presenting Robin's side of the case declared in some respects it was the most important case of his sixty-two years at the bar.

"The question here is whether the Assembly can convene of its own accord and impeach the Governor—not in a regular session, but in an extraordinary one called into being by the Governor," he said. "We contend that the Assembly cannot do that under the law."

"The Assembly cannot reconvene of its own motion after the Legislature has been adjourned sine die. The Legislature session was ended when it adjourned without a day. The Legislature has no power to legislate in any manner except in an extraordinary session called by the Governor and it cannot consider any matter or subject except submitted by the Governor."

Continued on Fifth Page.

## UNDERWOOD TO TRY FOR SENATE

House Leader's Position Unpleasant With Bryan Dictating.

WASHINGTON, Sept. 8.—There is little doubt now that Oscar Underwood, the Democratic leader in the House, intends to surrender his sceptre there and to enter the race in Alabama for the United States Senate to succeed the late Senator Johnston.

Mr. Underwood is not prepared to make an announcement yet, but his friends say that he is leaning more and more toward the Senate candidacy. No announcement may be expected from him until after the tariff bill is disposed of finally.

If Mr. Underwood leaves the House leadership it will be partly, it is believed, because of the unpleasantness which he has to undergo in dealing with an Administration in which William J. Bryan, his old enemy, has such a powerful voice.

In the event of Mr. Underwood's retirement Claude Kitchen of North Carolina will be in line by right of seniority for the chairmanship of the Ways and Means Committee and the House leadership.

## MAKES MOUND ON SHORE, THEN DROWNS HERSELF

Granddaughter of Marvin  
Hughitt Plunges Into Lake  
Michigan.

CHICAGO, Sept. 8.—Mrs. Walter B. Smith, granddaughter of Marvin Hughitt, the railroad builder, left her Lake Forest home at noon to-day on a stroll to the beach, where she made a mound of sand, decorated it with flowers and walked out into the water. Three hours later she was found dead.

At the Smith home, where the governess was watching over Mrs. Smith's six-year-old girl, no explanation of the act was forthcoming.

The husband, who is connected with the Northern Trust Company, of which his father, Byron L. Smith, is president, could not be found. At the home of Smith, Sr., it was said at 4 o'clock in the afternoon that the husband, yet unknown, was homeward bound. At 9 o'clock to-night he was still "homeward bound."

The coroner was impeding a jury for posthumous action on the death of Mrs. Smith's daughter.

Mrs. Smith's parents, Hiram R. McCullough and wife, the father a vice-president of the Chicago and Northwestern Railway Company, are in Maine. Mr. Hughitt, who is chairman of the Northwestern Railway board of directors and its retired president, could not be reached for possible light on his granddaughter's death.

The banker father-in-law insisted that there was no explanation of Mrs. Smith's action. When asked if he had any theory he remarked that she probably "went off her head."

## BRYAN ON STAGE WITH YODLERS

More Than 3,000 Pay to Hear Secretary's Speech.

SALISBURY, Md., Sept. 8.—Secretary of State William J. Bryan was late in arriving at the Chautauque tent to deliver his 325th lecture to-night. He missed his train from Washington for Annapolis and was obliged to go to Baltimore and thence by boat down the bay.

Fully 3,000 persons paid an entrance fee to the Chautauque tent to hear Mr. Bryan.

Other attractions were seven Swiss girl yodlers, dressed in native costumes, who were yodling when Mr. Bryan arrived. They quit at once, giving the Secretary the centre of the stage.

Mr. Bryan was received with much handclapping. He lost no time in plunging into his lecture. Salisbury people are not certain to-night which they enjoyed the more, Mr. Bryan or the Tyrolean Alpine girl yodlers. Mr. Bryan is an old favorite, but the Swiss girls are pretty and have sweet voices.

Mr. Bryan's topic was "The Making of Man."

## BACK AGAIN, OFF AGAIN—BRYAN.

Secretary Declines That Jugglers Are Counter Attractions to Him.

WASHINGTON, Sept. 8.—Mr. Bryan got in from a two days speaking trip in Maine late last night and spent the morning at the State Department. He went away at noon and will be back again to-morrow.

Just before leaving his office to fill a Chautauque engagement at Salisbury, Md., Mr. Bryan denied that the jugglers, dancers, magicians and similar who are appearing on the same circuit as he are counter attractions. He said that the management of the Chautauque circuit found it advisable to have other entertainers on their programmes to amuse the people and prepare them for the more serious features on the bill.

## CALLS HIS TRIP "BIZARRE."

"Pall Mall Gazette" Is Sarcastic About Secretary of State.

Special Cable Dispatch to THE SUN.

LONDON, Sept. 8.—William Waldorf Astor's Pall Mall Gazette in referring to Secretary of State Bryan's Chautauque tour recalls the fact that when the late Matthew Arnold, the English poet and literary critic, was in the United States he was constantly annoyed by the habit of American railway officials of alluding to his party as the "Arnold troupe." The paper then adds:

"Mr. Arnold, doubtless not so sensitive as Mr. Bryan, but a trifle blarney for the sake of a few dollars, might have been the custodian of his foreign policy to be travelling around his circuit on the lines of the pugilist or the low comedian."

## EXPLAINS HIS LECTURES.

Bryan Tells French Newspaper They Are in Interest of Education.

Special Cable Dispatch to THE SUN.

PARIS, Sept. 8.—The newspaper Excelsior called Secretary of State Bryan asking him to tell the French public his reasons for attending the Chautauque conferences while he is in office. In reply the paper received the following:

"Admiral Oosterhaus was enthusiastic about his birds. One of the canaries is 16 years old, and according to the Admiral, is so intelligent it can almost talk. He will also raise doves. He has not yet decided upon a location for his bird farm."

## ADMIRAL WILL RAISE CANARIES.

Oosterhaus Back From Berlin With Twelve for His Bird Farm.

Rear Admiral Hugo Oosterhaus, United States navy, who was retired from active service on June 15 last, his sixty-second birthday, arrived from Amsterdam on the steamship Berlin yesterday. He has been visiting his father, Brig-Gen. Peter J. Oosterhaus, United States army, who is 91 years old.

"I feel lost without something to do," said Admiral Oosterhaus. "I was never in a better physical condition."

The Admiral looked as though he still was capable of directing the Atlantic fleet as he expressed his regrets at the retirement that necessitated his retirement.

"But I have invented a job for myself," he added. "I have brought over twelve canary birds and I am going to start a bird farm in this country."

Continued on Fifth Page.

## WILSON'S CANDIDATE DEFEATED IN MAINE

Peters, Republican, Wins for  
Congress Over Pattangall  
by About 500.

PROGRESSIVE FAR BEHIND

Hard Battle Ends in Which  
President, Bryan and Clark  
Helped the Loser.

PORTLAND, Me., Sept. 8.—With only three small towns to hear from of a total of 184 cities, towns and plantations in the Third Congress district John A. Peters, Republican, of Ellsworth, led William R. Pattangall of Waterville in the three cornered fight for Representative by a margin of 575 votes, Edward M. Lawrence of Lubec, the Progressive nominee, was hopelessly distanced, 7,700 votes behind Pattangall.

The figures of the 181 places heard from at 11 o'clock give Peters 15,105, Pattangall 14,530 and Lawrence 6,825.

At 10 o'clock Mr. Pattangall himself conceded the election of Peters, as did Edgar L. Jones of Waterville, Democratic National Committeeman from Maine.

Mr. Pattangall said that his defeat was not evidence of dissatisfaction with the Administration and its policies, but was the result of defections in the Democratic ranks caused by the adverse work of candidates who had been defeated at the primaries.

**Peters's Strength in Country.**

The early returns, mostly from the cities, showed a big margin in favor of Pattangall, but as the figures from the small towns and farming districts came in Peters's strength was apparent, and gradually he wiped out his chief opponent's lead.

Peters polled over 7,000 votes more than Taft did in the district at the last election. Lawrence fell practically the same number of votes behind the total given for Roosevelt, while Pattangall received 200 less votes than did Wilson.

Representative-elect Peters is chosen to fill the vacancy caused by the death of Forrest Goodwin, Republican.

The campaign was a most spirited contest, on which the eyes of politicians were turned. It was predicted all along that the results would be close.

The Republican candidate was John A. Peters of Ellsworth, Speaker of the Maine House of Representatives. William R. Pattangall of Waterville, ex-Attorney-General of the State and present Mayor of Waterville, was his Democratic opponent.

The Progressive party nominated Edward M. Lawrence, a sardine packer of Lubec. There was also a Socialist candidate, William W. Wyer of Augusta.

Local issues were entirely neglected and the voters were almost surfeited with tariff speeches. Never had so many speakers of national prominence appeared in Maine as in this campaign.

## WILSON ENDORSED PATTANGALL.

President Wilson early in the fight wrote a letter personally endorsing Mr. Pattangall, and Secretary Bryan, Secretary Redfield and Speaker Champ Clark, besides several Democratic Representatives, made speeches in his behalf.

An almost equally prominent array of Republican orators toured the district speaking for Mr. Peters and declaring that the proposed Democratic tariff was injurious to special Maine industries.

Among these speakers were Representatives Gardner of Massachusetts, Kahn of California and Anderson of Minnesota.

The Progressives presented such orators as ex-Secretary of the Interior James R. Garfield and ex-Senator Albert J. Beveridge. They did not confine themselves solely to the tariff, but used other issues with the general idea that a Progressive victory would give the new party a standing in the State equal to that of the two older parties.

## BOTH MARYLAND MACHINES WIN

Progressive Democrats Lose Fight for State Chairman.

BALTIMORE, Sept. 8.—The organization of both parties won in the direct primaries in Maryland to-day. The State officers voted for were a Comptroller and Clerk of the Court of Appeals.

The battle raged about the election of the Democratic State central committee, which will elect a successor to Murray Vandiver, for many years the State chairman. Vandiver is again the choice, although the progressives fought hard against him. The organization won easily in the counties and in the city the progressive Democrats named only three of two committees.

Blair Lee, who has been consulted several times by President Wilson in Maryland matters and who was the President's choice, will be the Democratic candidate for United States Senator to fill the unexpired term of the late Senator Rayner, while ex-Representative Parran will be the Republican candidate.

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## SEEK TO BAR MRS. PANKHURST.

Militant's Enemies Expected to Protest Against Her Visit Here.

WASHINGTON, Sept. 8.—There is a likelihood that the question of the eligibility of Mrs. Emmeline Pankhurst, the British militant leader, to enter this country under the immigration laws will be raised by some of her enemies. She is expected to arrive here early in October to make a lecture tour.

Commissioner-General of Immigration Caminetti made it clear to-day that his office will not act in the matter unless there is an appeal to it from Ellis Island. The question of whether or not the militant leader is an undesirable alien under the immigration laws will have to be decided at first by the New York authorities.

Commissioner Caminetti said that the immigration authorities at Ellis Island will be governed by section 2 of the immigration act, which reads in part as follows:

"That of the classes of aliens shall be excluded from admission from the United States: All idiots. . . . persons who have been convicted of or admit having been convicted of a felony or other crime or a misdemeanor involving moral turpitude."

It will be up to the Ellis Island immigration authorities to decide on Mrs. Pankhurst's record whether she falls within the prohibition.

It